

RECEIVED 21 DEC 2021 10:30 AM

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

Elbert Walker Jr.	=	CIVIL ACTION
Plaintiff	=	CASE NO. <u>5:21-cv-460</u>
Vs.	=	
Dismas Charities, Inc.	=	
Carol Oates, and	=	
Kimberly Johnson	=	
Defendants	=	

COMPLAINT- CIVIL ACTION UNDER FEDERAL RULE-8

INTRODUCTION:

This action arises out of Defendant, deprived the Plaintiff, Elbert walker, out of his civil rights. The cause of action brought an (1) Violation of Fifth and First, and Eight Amendment of the United States Constitution; under Federal Law. (2) Violation of U.S.C. §1983 (due process equal protection clause). (3) Cruel and Unusual punishment, and (4) Discrimination based on religion, and Employment. (5) Negligent infliction of emotional distress, and (6) Intentionally infliction of Emotional distress.

JURISDICTION:

Jurisdiction of this Court arises under 28 U.S.C. secs. 1331, 1337, 1343(a) and 136(a); 42 U.S.C. secs. 1983 civil action for deprivation of rights.

Jurisdiction of this Court for the pendent claim is authorized by F.R.Civ.P. 18(a) and arises under the doctrine of pendent jurisdiction as set forth in United Mine Worker v. Gibbs, 383 U.S. 715 (1966).

PARTIES:

(1). The Plaintiff, Elbert Walker, Jr., is a citizen of Georgia who resides a 412 baytree Road, Cairo, Georgia. 39828.

(2). Defendant, Dismas Charities, Inc., who do Business in the State of Georgia, and stand out to the public as a business under Federal Bureau of Prison, known as RRC Dismas House of Macon, Address: 744 Second Street Macon Ga. 31201.

(3). Defendant, Kimberly Johnson, who is an employee for the Defendant, Dismas Charities Inc., and hold a position as (empolymment Specialist), who are been sue individual capacities, and at all times this Defendant, relevent to this complaint, therefore, is subject to the jurisdiction of this court.

(4). Defendant, Carol Oates, who is an employee for the Defendant, Dismas Charities Inc., and hold a position as (Counsel for Inmates), who are been sue individual capacities, and at all times this Defendant, relevent to this complaint, therefore, is subject to the jurisdiction of this court.

STATEMENT OF FACTS:

On about June 25, 2020, Elbert Walker Jr., was place on Home Confinement by Federal Brueau of Prison, through RRC DISMAS HOUSE OF MACON. The Plaintiff was an inmate who was release to the Halfway house and was release to his home at 412 Bay Tree Rd . Cairo Ga. On about by the month of Febuary, 2021, the Plaintiff Elbert walker, asked his counselor Mr. Richard Osteen, about a job and he direct the Plaintiff to Defendant kimberly Johnson, Ms. Johnson , stated to the Plaintiff what he has to do " Mr. Walker, you have to find a job and have your employer to call me be cause your employer have to fill out some paper. Defendant, Johnson, approved the plaintiff Job. On

about the month of March, 2021, see Exhibit-A the Plaintiff started to work with Hunter Construction, in Moultrie Ga. shortly after the Defendant stop the Plaintiff from working without any valid reason. which violated the Plaintiff due process rights under the Fifth Amendment also deprived the Plaintiff out of his liberty and violated the First Amendment, that of guarantee under the United States Constitution. On about the Month of September 2021, the Defendant Johnson, of proved the Plaintiff, Walker, to work for Hunter Construction. On about the month of October, 2021, the Defendant, Johnson, stop the Plaintiff from working without any valid reason. the Defendant, Johnson, has interfere with the Plaintiff livelihood, and also violated the due process by failing to give the Plaintiff an hearing as the law required defendant, Johnson, act of badfaith deprived Plaintiff out of Liberty and his constitution rights.

Defendant, Carol Oates, refused to grant the Plaintiff, Elbert Walker Jr. his religion rights, which violated the Plaintiff First amendment, the Plaintiff must get permisson from his counselor in order to make a movement the Plaintiff, asked his counselor for permission to go to his religion service on Friday, Defendant, alway denied. The Plaintiff only asked to go on Friday that is Jumuah Day. Defenfant Oates, denial the Plaintiff, and stating that ("BOP dont alied Muslim to attend service"). Defendant, Oates, act of badfaith violated Plaintiff civil rights and deprived the Plaintiff out of his First Amendment rights that of guarantee under the United States Constitution. See Exhibit-A1, there of other inmate in Georgia and other States BOP of not stop them from attening their religion service. the Govern of Georgia, has release the freeze off the State of Georgia, on about January 23, 2021. These Defendants has conspired together to bring hardship on the Plaintiff. And with their deceitful action by conspired against the Plaintiff to put him back in to prison by deprived the Plaintiff, out of his liberty, Religion,

Employment, violated the Plaintiff, Elbert Walker Jr., constitution rights. Defendant, Dismas Charities Inc., failed to correct there employees action, their employees is lack of understanding their job. These Defendants of very nonchalant when it come to the Plaintiff rights.

As a direct and proximate result of negligence of Defendants, as aforesaid, and each of them respectively, jointly and severally, by and through their separate and resoective agents, servants, workmen, representatives, staff, contractors, personnel and employees, cause to the Plaintiff to suffer agonizing aches, pains, physical and mental, emotional distress. **WHEREFORE**, the Plaintiff's demand judgment against these defendants in the amount of \$1,500.00 per days plus interest and cost of suit and brings this action to recover same because Defendants violation of the Plaintiff rights under the United States Constitution **42 U.S.C. §1983**, The Plaintiff incorporate this complaint as if fully set forth herein. The action of defendants Dismas Charities Inc., Carol Oates, and Kemberly Johnson, each of them respectively, joinly and severally, by through their separate and respective agents, sevant, workmen, representatives, Staff, contractors, personnel, and employees, had a duty to Plaintiff, Elbert walker Jr., in their practice for treating a person like the Plaintiff negligent and reckless:

as a result of defendant action **Violated U.S.C. §1985**, the Plaintiff's was deprived of his constitution rights his liberty as guarantee to the Plaintiff Under the United States Constitution, the Plaintiff was deprived of his equal protection rights of all laws and due process of law and his liberty.

As a direct and proximate result of the reckless, negligent- gross negligence of Defendants, asforesaid, and each of them respectively, jointly and severally, by and through their separate and respective agents, serants, workmen, representatives, Staff,

Contractors, Personnel and employees, action cause the Plaintiff to sustain serious, pains, mental and physical suffering agonizing aches, pains, mental anguish and emotional distress. **WHEREFORE**, the Plaintiff's demand judgment against these Defendants in the amount of \$1,500.00 per day plus interest and cost of this lawsuit and bring this action to recovery same and what other relief deemed to be just, fair and appropriate.

The Plaintiff prays as follows against these defendants;
that the judgment be rendered in favor for the plaintiff's and against these defendants on all causes for plaintiff mental and physical and be awarded punitive damages and be awarded reasonable expenses and legal and expert fees.

Respectfully Submitted


Elbert Walker, Pro se

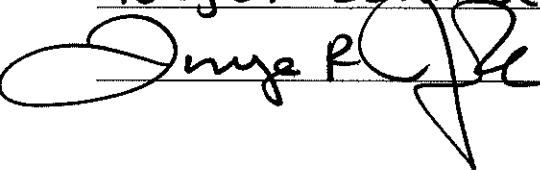
Address:
412 Baytree road
Cairo, Ga. 39828
Ph. 229-397-0226
elbertwalker702@yahoo.com

VERIFICATION

I Elbert Walker Jr., who is the Plaintiff in this subject matter do hereby solemnly swear
that the facts states in this Complaint of true to the best of my knowledge.


Elbert walker Jr., Pro se

The person came before me
and Swore under Oath on
This 20 day of December, 2021

Tonya R Johnson




CERTIFICATE OF SERVICE


I hereby certify that a copy of this Complaint has been perfect serve to the person9s) who name appear below by the Bibb County Sheriff Officer.

On this 20th day of December, 2021

Dismas Cherities Inc.
744 Second Street
Macon, Ga. 31201

Carol Oates
744 Second Street
Macon, 31201

Kemberly Johnson
744 Second Street
Macon, Ga. 31201


Elbert Walker Jr. Pro se
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